

REMARKS

I. Introduction

Claims 11 to 21 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Amendments to Claims 12 and 18

As an initial matter, the Examiner will note that claims 12 and 18 have been amended herein without prejudice to correct typographic errors. In this regard, claim 12 has been amended herein without prejudice to change "control element" to --control elements--, and claim 18 has been amended herein without prejudice to change "matter" to --manner--.

III. Rejection of Claims 11 to 14 and 18 Under 35 U.S.C. § 103(a)

Claims 11 to 14 and 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 5,006,829 ("Miyamoto et al.") and U.S. Patent No. 5,627,547 ("Ramaswamy et al."). Applicants respectfully submit that the combination of Miyamoto et al. and Ramaswamy et al. does not render unpatentable the present claims for the following reasons.

Claim 11 relates to a method for actively assisting a motor vehicle driver in a motor vehicle using at least one control unit and an input and output unit, the control unit configured to access data of sensors and control units relevant to a condition of the motor vehicle and to transmit control commands to the control units and devices configured for external communication. Claim 11 recites that the method includes detecting a critical vehicle condition by the control unit by evaluating the data of the sensors and the control units; generating a list of possible actions for the motor vehicle driver in response to the critical vehicle condition detected in the detecting step; displaying the detected critical vehicle condition and

the list of possible actions of the motor vehicle driver on a display unit of the input and output unit; and executing an action selected by the motor vehicle driver using the control unit.

Miyamoto et al. purport to relate to an information display system for a vehicle. The portions referred to in the Office Action merely pertain to sensors that are for detecting various conditions of a vehicle and a display unit for displaying items of information relating to the conditions of the vehicle as detected by the corresponding sensors. As indicated in the Office Action, Miyamoto et al. fail to disclose, or even suggest, generating a list of possible actions for a motor vehicle driver in response to a critical vehicle condition detected or executing an action selected by a motor vehicle driver using a control unit. Since Miyamoto et al. fail to disclose generating a list of possible actions for a motor vehicle driver in response to a critical vehicle condition detected, Miyamoto et al. also fail to disclose, or even suggest, displaying a list of possible actions of a motor vehicle driver on a display unit.

Ramaswamy et al. purport to relate to a mapless GPS navigation system in a vehicle entertainment system. The Office Action refers to col. 8, lines 39 to 40, col. 10, lines 50 to 67 and col. 11, lines 19 to 34. The Office Action's reliance on these excerpts is misplaced. At col. 8, lines 39 to 40, Ramaswamy et al. merely mention that "a vehicle speed sensor (VSS) signal 76 is received by the navigation board 68 to provide an indication of vehicle speed." However, Ramaswamy et al. do not disclose, or even suggest, that vehicle speed is a critical vehicle parameter, or that a list of possible actions for a motor vehicle driver in response to a vehicle speed is generated, or that a list of possible actions of a motor vehicle driver in response to a vehicle speed is displayed on a display unit. Col. 10, lines 50 to 67 refer to programmed destination information. However, this programmed destination information is not described by Ramaswamy et al. as a critical vehicle parameter, and Ramaswamy et al. do not disclose, or even suggest, that a list of possible actions for a motor vehicle driver in response to destination information, or that a list of possible actions of a motor vehicle driver in response to destination information is displayed on a display unit. Furthermore, col. 11, lines 19 to 34 refer to user operation of menu selections, which does not constitute a disclosure, or even a suggestion, of generating a list of possible actions for a motor vehicle driver in response to a critical vehicle condition detected in a detecting step, displaying a

detected critical vehicle condition and a list of possible actions of a motor vehicle driver on a display unit, or executing an action selected by a motor vehicle driver using a control unit.

In view of all of the foregoing, it is respectfully submitted that the combination of Miyamoto et al. and Ramaswamy et al. does not disclose, or even suggest, all of the limitations of claim 11 and consequently does not render unpatentable claim 11.

Claim 12 relates to a method for actively assisting a motor vehicle driver in a motor vehicle using at least one control unit and an input and output unit, the control unit configured to access data of comfort control units and to transmit control commands to the comfort control units. Claim 12 recites that the method includes: manually activating the method by the motor vehicle driver; displaying an input prompt on a display unit of the input and output unit relating to which comfort setting should be changed; context-sensitive and preference-sensitive compiling of at least one of operational settings and control elements relevant to the input prompt on the display unit using the control unit; and executing input control commands.

With respect to the rejection of claim 12, the Office Action merely refers to the rejection of claim 11 and asserts that Ramaswamy et al. disclose manually activating the method by a motor vehicle driver. As indicated above, claim 12 recites that the method includes "context-sensitive and preference-sensitive compiling of at least one of operational settings and control elements relevant to the input prompt on the display unit using the control unit." The Office Action does not even allege that Miyamoto et al. or Ramaswamy et al. disclose or suggest this feature. Indeed, it is respectfully submitted that neither Miyamoto et al. nor Ramaswamy et al. disclose, or even suggest, this feature. Accordingly, it is respectfully submitted that the combination of Miyamoto et al. and Ramaswamy et al. does not render unpatentable claim 12.

Claim 13 relates to a method for actively assisting a motor vehicle driver in a motor vehicle using at least one control unit and an input and output unit, the control unit configured to access at least one of an internal database and an external database. Claim 13 recites that the method includes: manually activating the method by the motor vehicle driver; and displaying a list of possible recommendations on a display unit of the input and output unit. Claim 13 has been amended herein without prejudice to recite that the method includes executing a

context-sensitive and a preference-sensitive interrogation dialog to ascertain a driver command. Claim 13 further recites that the method includes: displaying possible actions performable in response to the ascertained driver command; and executing an action selected by the motor vehicle driver using the control unit.

As more fully set forth above, it is respectfully submitted that neither Miyamoto et al. nor Ramaswamy et al. discloses, or even suggests, executing a context-sensitive and a preference-sensitive interrogation dialog to ascertain a driver command, and, consequently, it is respectfully submitted that neither Miyamoto et al. nor Ramaswamy et al. discloses, or even suggests, displaying possible actions performable in response to an ascertained driver command or executing an action selected by a motor vehicle driver using a control unit. It is therefore respectfully submitted that the combination of Miyamoto et al. and Ramaswamy et al. does not render unpatentable claim 13.

Claim 14 relates to a device for actively assisting a motor vehicle driver in a motor vehicle. Claim 14 recites that the device includes: at least one control unit configured to evaluate detected conditions critical to the motor vehicle; and an input and output unit configured to detect and display conditions critical to the motor vehicle using the control unit, to generate and display a list of possible actions of the motor vehicle driver in response to the detected conditions critical to the motor vehicle as an input option with the condition critical to the motor vehicle. Claim 14 further recites that the control unit is configured to perform a selected input option.

As more fully set forth above with respect to claim 11, it is respectfully submitted that the combination of Miyamoto et al. and Ramaswamy et al. does not disclose, or even suggest, an input and output unit configured to detect and display conditions critical to the motor vehicle using a control unit, to generate and display a list of possible actions of a motor vehicle driver in response to detected conditions critical to a motor vehicle as an input option with the condition critical to the motor vehicle. It is therefore respectfully submitted that the combination of Miyamoto et al. and Ramaswamy et al. does not render unpatentable claim 14.

Claim 18 relates to a device for actively assisting a motor vehicle driver in a vehicle. Claim 18 recites that the device includes: at least one control unit configured to acquire data of comfort control units and to control the comfort control units; and an input and output unit including a display unit configured to display input prompts for selecting a comfort setting using the control unit, the display unit

configured to display at least one of operational settings and control elements relative to selected comfort settings in a context-sensitive and preference-sensitive manner. Claim 18 further recites that the control unit is configured to execute input control commands for the at least one of the operational settings and the control elements.

As more fully set forth above with respect to claims 12 and 13, it is respectfully submitted that the combination of Miyamoto et al. and Ramaswamy et al. does not disclose, or even suggest, a display unit configured to display at least one of operational settings and control elements relative to selected comfort settings in a context-sensitive and preference-sensitive manner. It is therefore respectfully submitted that the combination of Miyamoto et al. and Ramaswamy et al. does not render unpatentable claim 18.

In view of all of the foregoing, it is respectfully submitted that the combination of Miyamoto et al. and Ramaswamy et al. does not render unpatentable claims 11 to 14 and 18. Withdrawal of this rejection is therefore respectfully requested.

IV. Rejection of Claims 15 and 19 Under 35 U.S.C. § 103(a)

Claims 15 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Miyamoto et al., Ramaswamy et al. and U.S. Patent No. 6,151,539. Applicants respectfully submit that the combination of Miyamoto et al., Ramaswamy et al. and U.S. Patent No. 6,151,539 does not render unpatentable the present claims for the following reasons.

Applicants respectfully submit that, under 35 U.S.C. § 103(c), U.S. Patent No. 6,151,539 cannot be used for the purposes of determining obviousness of any claim of the present application under 35 U.S.C. § 103(a). The present application entered the national stage on **July 1, 2002** based on PCT International Application No. PCT/EP00/08250, having an international filing date of **August 24, 2000**. Because the present application was filed subsequent to November 29, 1999, the provisions of 35 U.S.C. § 103(c) as amended by Public Law 106-113, § 1000(a)(9) apply to the present application. Section 103(c), as amended, applies to all utility patent applications filed on or after November 29, 1999 and provides:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

U.S. Patent No. 6,151,539 issued on **November 21, 2000** from U.S. Patent Application Serial No. 09/185,291, filed on **November 3, 1998**. Accordingly, U.S. Patent No. 6,151,539 qualifies as prior art against the present application, if at all, only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102.

The present application and U.S. Patent No. 6,151,539 were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to, Volkswagen AG. In this regard, by an assignment recorded in the records of the United States Patent and Trademark Office on July 8, 2002, at Reel 013066, Frame 0080, the entire right, title and interest in the present application was assigned to Volkswagen AG. U.S. Patent No. 6,151,539 is assigned on its face to Volkswagen AG. It is therefore respectfully submitted that, under 35 U.S.C. § 103(c), U.S. Patent No. 6,151,539 cannot be used to reject any claim of the present application under 35 U.S.C. § 103(a). It is therefore respectfully submitted that claims 15 and 19 are not rendered unpatentable by the combination of Miyamoto et al., Ramaswamy et al. and U.S. Patent No. 6,151,539. Withdrawal of this rejection is therefore respectfully requested.

V. Rejection of Claims 16, 17, 20 and 21 Under 35 U.S.C. § 103(a)

Claims 16, 17, 20 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Miyamoto et al., Ramaswamy et al. and U.S. Patent No. 5,191,532 ("Moroto et al."). Applicants respectfully submit that the combination of Miyamoto et al., Ramaswamy et al. and Moroto et al. does not render unpatentable the present claims for the following reasons.

Claims 16 and 17 depend from claim 14 and therefore include all of the limitations of claim 14. Claims 20 and 21 depend from claim 18 and therefore include all of the limitations of claim 18. As more fully set forth above, the combination of Miyamoto et al. and Ramaswamy et al. does not disclose, or even suggest, all of the limitations of claim 14, from which claims 16 and 17 depend, and

the combination of Miyamoto et al. and Ramaswamy et al. does not disclose, or even suggest, all of the limitations of claim 18, from which claims 20 and 21 depend. Moroto et al. are not relied upon for disclosing or suggesting the limitations of claims 14 and 18 not disclosed or suggested by the combination of Miyamoto et al. and Ramaswamy et al. Indeed, it is respectfully submitted that Moroto et al. do not disclose, or even suggest, the limitations of claims 14 and 18 not disclosed or suggested by the combination of Miyamoto et al. and Ramaswamy et al. It is therefore respectfully submitted that the combination of Miyamoto et al., Ramaswamy et al. and Moroto et al. does not render unpatentable claims 16 and 17, which depend from claim 14, or claims 20 and 21, which depend from claim 18. Withdrawal of this rejection is therefore respectfully requested.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

KENYON & KENYON

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By:

Richard L. Mayer
Reg. No. 22,490
42,194

One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646